



DOCKET NO. CDS0226USDIV4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas J. Cummins et al.

Serial No.: 09/675,828

Art Unit: 1637

Filed : September 29, 2000

Examiner: TERESA E. STRZELECKA

For : Diagnostic Compositions, Elements, Methods and Test Kits  
For Amplification and Detection of Two or More DNA's Using  
Primers Having Matched Melting Temperatures

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

Your Petitioner, Ortho-Clinical Diagnostics, Inc., a corporation of the State of New York, having a registered office at 100 Indigo Creek Drive, Rochester, New York 14626-5101, represents that it is the Assignee of the entire right, title and interest in and to the subject matter disclosed in the above-captioned patent application by virtue of its being a division of U.S. Patent Application Serial No. 08/062,023, filed May 14, 1993. Ortho-Clinical Diagnostic, Inc. is the owner of U.S. Patent Application Serial No. 08/062,023, filed May 14, 1993, now issued as U.S. Patent 6,174,668. Exhibit A attached hereto is the Assignment document for the aforementioned USSN 08/062,023, now U.S. Patent 6,174,668.

Ortho-Clinical Diagnostics, Inc. is also the Assignee of the entire right, title and interest in and to the subject matter of U.S. Serial No. 08/062,021, now issued as U.S. Patent 6,709,813. Exhibit B attached hereto is the Assignment document for the aforementioned USSN 08/062,021, now U.S. Patent 6,709,813.

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Your Petitioner, Ortho-Clinical Diagnostics, Inc. hereby disclaims, under the provisions of 35 USC 253 and 37 CFR 1.321 and 3.73, the terminal part of any patent granted on application Serial No. 09/675,828 which would extend beyond the expiration date of United States Patent No. 6,709,813 and hereby agrees that any patent so granted on application Serial No. 09/675,828 shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to United States Patent No. 6,709,813, this agreement to run with any patent granted on application Serial No. 09/675,828 and to be binding upon the grantee, its successors or assigns.

The Terminal Disclaimer fee of \$130.00 and any additional fees which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/CDS0226USDIV4/CKG. Three copies of this sheet are enclosed.

Signed at New Brunswick, New Jersey this 28th day of January, 2005.

Respectfully submitted,

Ortho-Clinical Diagnostics, Inc.

/s/ Michael Stark

Michael Stark  
Assistant Secretary

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2797  
Date: January 28th, 2005

## A S S I G N M E N T

For good and valuable consideration received, including salary or payment for the making of inventions, or employee benefits, we confirm that we have sold and assigned and do hereby sell and assign to Eastman Kodak Company, a New Jersey corporation having a place of business at Rochester, New York, its successors and assigns, the entire right, title, interest and priority rights in and to all of our inventions, discoveries and improvements disclosed in an application for Letters Patent for DIAGNOSTIC COMPOSITIONS, ELEMENTS, METHODS AND TEST KITS FOR AMPLIFICATION AND DETECTION OF TWO OR MORE TARGET DNA'S USING PRIMERS HAVING MATCHED MELTING TEMPERATURES,

executed by Thomas J. Cummins the 14<sup>th</sup> day of May 1993,

executed by Susan Melissa Atwood the 14<sup>th</sup> day of May 1993,

executed by Lynn Bergmeyer the 14<sup>th</sup> day of May 1993,

executed by John Bruce Findlay the 14<sup>th</sup> day of May 1993,

executed by John W.H. Sutherland the 14<sup>th</sup> day of May 1993,

executed by JoAnne H. Kerschner the 14<sup>th</sup> day of May 1993,

and [check one]

- ☒ about to be filed  
☐ already filed as USSN

in the United States Patent and Trademark Office, together with said application, and any divisional, continuation or reissue application thereof, applications corresponding thereto in whole or in part in all other countries, and all right, title and interest in and to Letters Patent and similar protective rights granted on said applications, as well as the right to claim any applicable priority rights arising from said applications under the terms of any applicable conventions, treaties, statutes or regulations, said applications to be filed and issued in the name of Eastman Kodak Company or its designee; and we agree to execute such documents as in the judgment of Eastman Kodak Company may be necessary to obtain any such patents and similar protective rights and vest and maintain the title thereto in Eastman Kodak Company or its designee; and we further agree that, upon request, but without expense to ourselves, we shall furnish to Eastman Kodak Company or its designee any data, information, exhibits, memoranda, or other evidence in our possession relating to any of said inventions, discoveries or improvements and shall testify in any ex parte or inter partes legal or administrative proceedings relating to any of said inventions, discoveries, improvements, applications, patents, or similar protective rights; and we authorize and request

issuance of all Letters Patent and similar protective rights that may be granted on any of said applications, to the extent that and in such manner as such issuance shall be requested by Eastman Kodak Company or its designee. This document shall be governed, construed and interpreted in all respects in accordance with the laws of the State of New York, USA.

Executed the 14<sup>th</sup> day of May 1993,

Thomas J. Cummins  
Thomas J. Cummins

Witnessed:

Name: Barbara J. Nelli

Address: Eastman Kodak Co

Rochester NY 14650-2209

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Executed the 14<sup>th</sup> day of May 1993,

Susan Melissa Atwood  
Susan Melissa Atwood

Witnessed:

Name: Barbara J. Nelli

Address: Eastman Kodak Co

Rochester NY 14650-2209

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Executed the 14<sup>th</sup> day of MAY 1993,

Lynn Bergmeyer  
Lynn Bergmeyer

Witnessed:

Name: Barbara J. Nelli

Address: Eastman Kodak Co

Rochester NY 14650-2209

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Executed the 14<sup>th</sup> day of May 1993,

John Bruce Findlay  
John Bruce Findlay

Witnessed:

Name: Barbara J. Nelli

Address: Eastman Kodak Co

Rochester NY 14650-2209

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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67271AJLT

Executed the 14<sup>th</sup> day of May 1993,

John W.H. Sutherland  
John W.H. Sutherland

Witnessed:

Name: Barbara J. Nelli

Address: Easton Kodak Co

Rochester NY 14650-2209

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Executed the 14<sup>th</sup> day of May 1993,

JoAnne H. Kerschner  
JoAnne H. Kerschner

Witnessed:

Name: Barbara J. Nelli

Address: Easton Kodak Co

Rochester NY 14650-2209

Name: \_\_\_\_\_

Address: \_\_\_\_\_

## A S S I G N M E N T

For good and valuable consideration received, including salary or payment for the making of inventions, or employee benefits, we confirm that we have sold and assigned and do hereby sell and assign to Eastman Kodak Company, a New Jersey corporation having a place of business at Rochester, New York, its successors and assigns, the entire right, title, interest and priority rights in and to all of our inventions, discoveries and improvements disclosed in an application for Letters Patent for **DIAGNOSTIC COMPOSITIONS, ELEMENTS, METHODS AND TEST KITS FOR AMPLIFICATION AND DETECTION OF HUMAN CMV DNA USING PRIMERS HAVING MATCHED MELTING TEMPERATURES,**

executed by Lynn Bergmeyer the 14<sup>th</sup> day of May 1993,

executed by Thomas J. Cummins the 14<sup>th</sup> day of May 1993,

executed by John Bruce Findlay the 14<sup>th</sup> day of May 1993,

executed by JoAnne H. Kerschner the 14<sup>th</sup> day of May 1993,

and [check one]

☒ about to be filed

☐ already filed as USSN

in the United States Patent and Trademark Office, together with said application, and any divisional, continuation or reissue application thereof, applications corresponding thereto in whole or in part in all other countries, and all right, title and interest in and to Letters Patent and similar protective rights granted on said applications, as well as the right to claim any applicable priority rights arising from said applications under the terms of any applicable conventions, treaties, statutes or regulations, said applications to be filed and issued in the name of Eastman Kodak Company or its designee; and we agree to execute such documents as in the judgment of Eastman Kodak Company may be necessary to obtain any such patents and similar protective rights and vest and maintain the title thereto in Eastman Kodak Company or its designee; and we further agree that, upon request, but without expense to ourselves, we shall furnish to Eastman Kodak Company or its designee any data, information, exhibits, memoranda, or other evidence in our possession relating to any of said inventions, discoveries or improvements and shall testify in any ex parte or inter partes legal or administrative proceedings relating to any of said inventions, discoveries, improvements, applications, patents, or similar protective rights; and we authorize and request issuance of all Letters Patent and similar protective rights that may be granted on any of said applications, to the extent that and in such manner as such issuance shall be requested by Eastman Kodak Company or its designee. This document shall be governed, construed and interpreted in all respects in accordance with the laws of the State of New York, USA.

JOINT

67270JLT

Executed the 14<sup>th</sup> day of May 1993,

Lynn Bergmeyer  
Lynn Bergmeyer

Witnessed:

Name: Barbara J. Nelles  
Address: Eastman Kodak Co.  
Rochester, N.Y. 14650-2209  
Name: Richard J. Huntington  
Address: Eastman Kodak Co.  
Rochester, N.Y. 14650-2209

Executed the 14<sup>th</sup> day of May 1993,

Thomas J. Cummins  
Thomas J. Cummins

Witnessed:

Name: Barbara J. Nelles  
Address: Eastman Kodak Co.  
Rochester, N.Y. 14650-2209  
Name: Richard J. Huntington  
Address: Eastman Kodak Co.  
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Executed the 14<sup>th</sup> day of May 1993,

John Bruce Findlay  
John Bruce Findlay

Witnessed:

Name: Barbara J. Nelles  
Address: Eastman Kodak Co.  
Rochester, N.Y. 14650-2209  
Name: Richard J. Huntington  
Address: Eastman Kodak Co.  
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Executed the 14<sup>th</sup> day of May 1993,

JoAnne H. Kerschner  
JoAnne H. Kerschner

Witnessed:

Name: Barbara J. Nelles  
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Name: Richard J. Huntington  
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